

FORM NLRB-5168
(2-08)

1 City of New York

Case Nos. 2-CA-39988
2-CA-40056
2-CA-40107

5 County of New York

7 **Confidential Witness Affidavit**

10 I, Harvey Mars, being first duly sworn upon my oath, hereby state
11 as follows:

13 I have been given assurances by an agent of the National Labor
14 Relations Board that this Confidential Witness Affidavit will be
15 considered a confidential law enforcement record by the Board and
16 will not be disclosed unless it becomes necessary to produce the
17 Confidential Witness Affidavit in connection with a formal
18 proceeding.¹

20 My business address is 322 West 48th Street, Suite 6R, New York,
21 NY 10036.

23 My telephone number is 212-765-4300 ext. 16.

25 I have been the legal representative of District Council 1707,
26 AFSCME, AFL-CIO (Union), in its dealings with Preschool of
27 America ("the Employer"), for the purposes of collective-
28 bargaining negotiations and the unfair labor practice charges at
29 issue herein.

31 1. On August 6, 2010, I sent a letter by facsimile and
32 regular mail to Martin Gringer (Gringer), Employer attorney,
33 requesting the names, dates of hire and salary for all teaching
34 assistants who were hired to replace the West End assistant
35 teachers that were recently fired by the Employer. A copy of my
36 August 6 letter is attached to this affidavit as Exhibit A.

1

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further an unfair labor practice or

Ham

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1 2. On August 9, 2010, I sent a letter by facsimile and
2 regular mail to Gringer requesting all documentation, including
3 time and attendance reports, supporting the Employer's decision
4 to terminate Joan DeLeon, Hope Dublin, Anesia Lloyd, Tatiana
5 Navia and Tameka Singleton. A copy of my August 9 letter is
6 attached to this affidavit as Exhibit B.

7 3. On August 11, 2010, I sent a letter by facsimile and
8 regular mail to Gringer informing the Employer that the Union was
9 certified on August 10 as the exclusive bargaining representative
10 of the assistant teachers at West End and that the Employer was
11 obligated to bargain with the Union for a collective-bargaining
12 agreement. My letter of August 11, further requested that
13 Gringer contact me to schedule dates for negotiations. A copy of
14 my August 11 letter is attached to this affidavit as Exhibit C.

15 4. On August 16, 2010, I sent a letter by facsimile and
16 regular mail to Gringer renewing my requests for the information
17 that I requested in my August 6 and 9 letters, and further
18 requesting that the Employer provide all documentation, including
19 time and attendance reports, supporting the Employer's decision
20 to termination Catherine Duran and Tatyana Gibbs. A copy of my
21 August 16 letter is attached to this affidavit as Exhibit D.

22 5. On August 19, 2010, I received a letter from Joseph
23 Cacciato (Cacciato) identifying himself as the Employer's
24 attorney, stating that he was working with Marc Bresky (Bresky),
25 who was also representing the Employer in this unfair labor
26 practice investigation, and providing the names and addresses of

representation case, or may cause the NLRB to issue you a subpoena and

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1 five employees at the Employer's facility located at 1501
2 Lexington Avenue (Lexington), including Zoila de las Nueces,
3 Diana Riopedre, Jenisse Santiago, Dianna DeLeon and Lorraine
4 Aguirre. A copy of Cacciato's August 19 letter is attached to
5 this affidavit as Exhibit E.

6 6. On August 23, 2010, I sent an email to Gringer and
7 Cacciato stating that the information provided in Cacciato's
8 August 19 letter was nonresponsive to the Union's information
9 requests, reiterating the Union's requests from my August 6, 9
10 and 16 letters, and requesting negotiation dates from the
11 Employer. A copy of my August 23 e-mail is attached to this
12 affidavit as Exhibit F. My e-mail of August 23, reflects that I
13 had discussed with Cacciato the insufficiency of information
14 provided by Cacciato on August 19, 2010, just prior to the time I
15 sent this e-mail. I do not recall speaking with Cacciato on
16 August 23, 2010, or the substance of that conversation, but I
17 have no reason to believe that I did not speak with Cacciato on
18 that date.

19 7. On September 2, 2010, I sent a letter to Bresky again
20 requesting dates for negotiations. A copy of my September 2
21 letter is attached to this affidavit as Exhibit G. In addition,
22 I requested that the Employer provide the following information
23 by September 27, 2010:

- 24 (a) Names and addresses of each of PSA's centers.
25 (b) Names and addresses of all employees at each of
26 PSA's centers.

seek enforcement of the subpoena in federal court.

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- 1 (c) A copy of the employee handbook applicable at
2 each of PSA's centers.
- 3 (d) Names and addresses of all Teaching Assistants
4 employed at the PSA West End Center.
- 5 (e) Date of hire and salaries of all Teaching
6 Assistants employed at the PSA West End Center.
- 7 (f) Copies of PSA's tax returns for the last (5)
8 years.
- 9 (g) Names of the children and their parents who are
10 currently enrolled at the West End PSA center.
- 11 (h) Copies of time and attendance policy for PSA.
- 12 (i) Copies of all disciplinary and warning notices
13 for employees who had been employed at PSA's West End
14 Center.
- 15 (j) Copies of all disciplinary and warning notices
16 for all of PSA's employees.
- 17 (k) Names of all PSA's employees who were terminated
18 or disciplined within the last year.
- 19 (l) Copies of all documents supporting the
20 termination or discipline of the employees mentioned
21 in response to the information request immediately
22 above.
- 23 (m) Names of all corporate officers and directors of
24 PSA.
- 25 (n) Corporate documents and bylaws for PSA.
- 26 (o) Documents reflecting the compensation received by
27 PSA's directors.

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1 (p) Documentation concerning any benefits provided to
2 PSA employees.

3 (q) Documentation concerning sick time, vacation time
4 and PSA's time off policy.

5 (r) Application materials provided to prospective
6 parents.

7 (s) Employment application given to prospective
8 employees.

9 (t) Copies of any training materials provided to PSA
10 employees.

11 8. On September 28, 2010, Cacciato hand delivered a
12 letter with attached documents to my office. A copy of
13 this letter ~~and accompanying documents~~ ^{HSN} is attached to
14 this affidavit as Exhibit H. I was not present when
15 Cacciato delivered his letter and attaching documents.
16 Specifically, Cacciato provided:

17 (a) A copy of the employee handbook;

18 (b) A blank employment application for head teachers;

19 (c) A list of the Executive Director, Managing
20 Directors, Regional Director and Site Directors of the
21 Employer;

22 (d) A list of all assistant teachers working as of
23 September 20, including their name, starting date,
24 title and address;

25 (e) Copies of disciplinary notices issued to West End
26 employees Tameka Singleton, Anesia Lloyd, Amanda
27 Nunes, Tatyana Gibbs, Hope Dublin, Wendy Puello,

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1 Samantha Gordian-Gerena, Zullay Pichardo and Rena
2 Goldstein; and
3 (f) A document stating that in 2009, 180 employees of
4 Employer were either dismissed, resigned or the
5 Employer declined to renew their contracts.
6 9. On October 20, 2010, Cacciato left me a voicemail
7 message at my office stating that he wanted to discuss
8 dates for potential negotiations.
9 10. Between October 20 and 27, 2010, I left a voicemail
10 message for Cacciato on his office phone stating that the
11 Union needed some time to get our bargaining committee
12 together and our proposals. I further stated that I
13 would contact Cacciato with potential dates when the
14 Union was ready.
15 11. On October 27, 2010, I received a letter from Cacciato
16 that confirmed my voicemail message described in
17 paragraph 10 of this affidavit and asked me to notify him
18 when the Union was ready to bargain. A copy of
19 Cacciato's October 27 letter is attached to this
20 affidavit as Exhibit I.
21 12. Between October 27 and November 8, 2010, I called
22 Cacciato and left a voicemail message stating that the
23 Union needed some time to assemble an employee bargaining
24 committee and informing him that I would contact him near
25 the end of the year.
26 13. On November 8, 2010, Cacciato sent me a letter stating
27 that because one of the Union's unfair labor practice

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1 charges alleged that the Employer was failing and
2 refusing to negotiate in good faith, all communication
3 between the Union and the Employer must be in written
4 form. A copy of Cacciato's November 8 letter is attached
5 to this affidavit as Exhibit J.

6 14. On December 5, 2010, I called Cacciato at his office
7 and left a voicemail message proposing dates that we
8 begin negotiations on January 27 or 28, 2011.

9 15. On December 22, 2010, I sent Cacciato a letter by
10 regular mail proposing dates that we begin negotiations
11 on January 27 or 28, 2011. A copy of my December 22
12 letter is attached to this affidavit as Exhibit K. On or
13 around December 29, 2010, my December 22 letter was
14 returned to my office for insufficient address because I
15 had addressed it to Cacciato at the wrong suite number.
16 On or around December 29, I resent the letter with the
17 correct suite number for Cacciato. I did not re-date the
18 letter to reflect the date of its second mailing. On the
19 same date, I called Cacciato at his office and left a
20 voicemail message again proposing that we begin
21 negotiations on January 27 or 28, and informing Cacciato
22 that I had sent him a letter to that effect that was
23 returned to me but that I was resending it that day.

24 16. On January 3, 2011, I called Cacciato at his office
25 and left a voicemail message proposing that the Union and
26 the Employer meet for negotiations on January 27 or 28,
27 2011.

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1 17. On January 11, 2011, I received a letter from Cacciato
2 confirming that he had received my voicemail message
3 proposing negotiation dates in January, but stating that
4 because of the Employer representatives' unavailability,
5 the Employer requested that we do not begin negotiations
6 until the middle of February 2011. A copy of Cacciato's
7 January 11 letter is attached to this affidavit as
8 Exhibit L.

9 18. On January 14, 2011, after I received Cacciato's
10 January 11, 2011, I called Cacciato at his office and
11 left him a voicemail message confirming receipt of his
12 January 11, 2011 letter and proposing February 16 and
13 February 23 as dates for negotiations.

14 19. On January 18, 2011, I sent Cacciato a letter by
15 regular mail proposing dates to begin negotiations on
16 February 16 and February 23, 2011. A copy of my January
17 18 letter is attached to this affidavit as Exhibit M.

18 20. On or around January 20, 2011, Cacciato left me a
19 voicemail message at my office confirming a negotiation
20 for February 23, 2011.

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1 21. As of today, the Union plans to meet with the Employer
2 on February 23, 2011 to begin negotiations.

3 I am being provided a copy of this Confidential Witness Affidavit
4 for my review. If, after reviewing this affidavit again I
5 remember anything else that is relevant, or desire to make any
6 changes, I will immediately notify the Board agent. I understand
7 that this affidavit is a confidential law enforcement record and
8 should not be shown to any person other than my attorney or other
9 person representing me in this proceeding.

10
11 I have read this statement consisting of 9 pages, including this
12 page. I fully understand its contents, and I certify that it is
13 true and correct to the best of my knowledge and belief.
14

15
16 Harvey S. Mars
17 Harvey Mars

18 Sworn to before me at
19 26 Federal Plaza, Room 3614
20 New York, New York this
21 28th day of January 2011

22 Nicole Buffalano
23
24 Nicole Buffalano, Board Agent,
25 National Labor Relations Board
26
27

LAW OFFICE OF HARVEY S. MARS LLC

322 West 48th Street, Ste 6R
New York, New York 10036-1308

(212) 765-4300
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e-mail: jurmars566@aol.com

COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*

*Admitted in NJ only

HARVEY S. MARS

Via Facsimile Transmission (516) 228-3136
and First Class Mail

August 6, 2010

Martin Ginger, Esq.
Franklin, Ginger & Cohen, P.C.
666 Old Country Road - Suite 202
Garden City, New York 11530-2013

RE: Pre School of America

Dear Mr. Ginger:

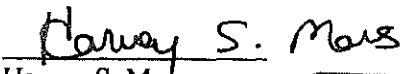
This office is counsel to DC 1707 AFSCME (Union).

Be advised that literature is being disseminated by your client, Pre School of America (PSA) that contains defamatory statements concerning the Union's representative involved in organizing PSA's employees. This literature alleges that the representative is a drug dealer. This comment is both false and reprehensible and will be the basis of a defamation suit by the union representative if it is not immediately retracted.

Furthermore, in addition to the very serious unfair labor procedures in which PSA has already engaged, it has recently terminated three teaching assistants due to their alleged pro union activity. Additional unfair labor practice charges have been filed and due to the impact of these infractions, the Union will be seeking both 10 (j) injunctive relief as well as a *Gissel* bargaining order in the event the Union is not certified at the upcoming election.

Finally, the union requests, pursuant to your client's obligations under NLRA Section 8 (a) that PSA provide it with the names, date of hire and salary for all new teaching assistants who are hired to replace the bargaining unit members your client had just fired.

At this point, I believe it behooves you as PSA's counsel to advise your client that there will be very serious legal repercussions if they continue to flaunt their legal obligations.


Harvey S. Mars

Cc: Mike Green, Director, Organizing, DC 1707, AFSCME
Henry Moore, Senior Lead Organizer, DC 1707, AFSCME
Julian DeJesus, Organizer, DC 1707, AFSCME



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HARVEY S. MARS

COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*
* Admitted in NJ only
TOM OLCOTT**
** Admitted in NY and NJ

August 9, 2010

Via Facsimile Transmission (516) 228-3136
and First Class Mail

Martin Gringer, Esq.
Franklin, Gringer & Cohen, P.C.
666 Old Country Road - Suite 202
Garden City, New York 11530-2013

Re: Pre-School of America

Dear Mr. Gringer:

This office is counsel to D.C. 1707, AFSCME (Union).

In addition to the information the Union requested contained in my August 6, 2010 correspondence, please provide me with all documentation, including time and attendance reports, supporting Pre-School of America's decision to terminate the following bargaining unit members from their positions at PSA's West End site:

John Delcon
Hope Dublin
Ancsin Lloyd
Tatiana Navia
Tamika Singleton

Your immediate attention to this matter is expected.

Very truly yours,

Harvey S. Mars

Harvey S. Mars

HSM:ss

cc: Mike Green, Organizing Director, D.C. 1707, AFSCME
Henry Moore, Senior Lead Organizer, D.C. 1707, AFSCME
Julian DeJesus, Organizer, D.C. 1707, AFSCME



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HARVEY S. MARS

COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*
* Admitted to NJ only
TOM OLCOTT**
** Admitted in NY and NJ

August 11, 2010

Via Facsimile Transmission (516) 228 3136
and First Class Mail _____

Martin Gringer, Esq.
Franklin, Gringer & Cohen, P.C.
666 Old Country Road - Suite 202
Garden City, New York 11530-2013

Re: Pre-School of America

Dear Mr. Gringer:

This office is counsel to D.C. 1707, AFSCME (Union).

On August 10, 2010, D.C. 1707, AFSCME (Union) was certified as the exclusive collective bargaining representative of all full time and regular part time teaching assistants, teaching assistants who serve as floaters and kitchen/maintenance employees employed by Pre-School of America (PSA) at its facility located at 101 West End Avenue, New York, N.Y.

Pursuant to this certification, PSA is obligated to commence negotiations with the Union over the terms of a collective bargaining agreement covering the conditions of employment for these employees.

Upon your receipt of this letter, please contact me so that we can discuss potential negotiation dates.

Your immediate attention to this matter is appreciated.

Very truly yours,

Harvey S. Mars
Harvey S. Mars

HSM:ss

cc: Raglan George, Executive Director, D.C. 1707, AFSCME
Henry Moore, Senior Lead Organizer, D.C. 1707, AFSCME
Julian DeJesus, Organizer, D.C. 1707, AFSCME



C:\HSM\1707\Let 2010\LT to Gringer 8.18.2010.wpd

LAW OFFICE OF HARVEY S. MARS LLC
322 West 48th Street, Ste 6R
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(212) 765-4308
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e-mail: jarmars466@aol.com

HARVEY S. MARS

COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*
* Admitted in NY only
TOM OLCOTT**
** Admitted in NY and NJ

August 16, 2010

Via Facsimile Transmission (516) 228 3136
and First Class Mail

Martin Gringer, Esq.
Franklin, Gringer & Cohen, P.C.
666 Old Country Road - Suite 202
Garden City, New York 11530-2013

Re: Pre-School of America

Dear Mr. Gringer:

This office is counsel to D.C. 1707, AFSCME (Union).

In addition to the information the Union requested contained in my August 6 and August 9, 2010 correspondence, please provide me with all documentation, including time and attendance reports, supporting Pre-School of America's decision to terminate the following bargaining unit members from their positions at PSA's West End site:

Catherine Duran
Tatiana Gibbs

Your immediate attention to this matter is expected.

Very truly yours,

Harvey S. Mars

Harvey S. Mars

HSM:ss

cc: Mike Green, Organizing Director, D.C. 1707, AFSCME
Henry Moore, Senior Lead Organizer, D.C. 1707, AFSCME
Julian DeJestis, Organizer, D.C. 1707, AFSCME



C:\HSM\1707\Let 2010\Ltr to Gringer 8.16.2010.wpd

Sep 22 10 10:20a

Law Office of Harvey Mars 212-765-2775

p.2



Truly,
Joseph Cacciato

Delanques 67 Elliot St #1, Pasadena, NJ 07055
Riopelle Diana 65-15 18th Ave Apt. 3E, Woodside, NY 11377
Santiago Denise 33-27 91th St, Queens, NY 11372
Meleni Diana 210 Roehling St #14, Brooklyn, NY 11211
Aquino Lorraine 8552 106th St Richmond Hill, NY 11418

I am working with Mr. Biesky. Thank you for your time and
courtesy in this matter.

The following are the names of the people you requested
Preschool of America to provide. These people all work at 1501
Lexington. If you have any questions or concerns, please do not
hesitate to contact my office.

Re: Pre-School of America

August 19th, 2010

JOSEPH C. CACCIATO
Attorney-at-Law
265 Canal Street, Suite 265
New York, New York 10013
(212) 966-3239

Harvey Mars, Esq.

Aug 19 10 03:45p

Subj: PreSchool of America Info Request
 Date: 8/23/2010 3:42:13 P.M. Eastern Daylight Time
 From: Jmrmars566@aol.com
 To: ccciatoc@totinail.com, mgringer@franklingringer.com
 CC: mcgreen@dc1707.net, hmoore@dc1707.net, jdejesus@dc1707.net

Joe:

As we had just discussed, the information provided to my office on August 19 is not responsive to the information demands we have made to PSA's counsel, Martin Gringer. Mr. Gringer was requested to provide the following information:

1. The names of the new employees who have been hired/transferred to replace the teaching assistants who have recently been terminated at the PSA West End facility.
2. Documents and information (including time and attendance records) supporting PAS's decision to terminate these teaching assistants from the West End facility.

Finally, DC 1707 has requested negotiation dates for the Teaching Assistant bargaining unit at the West End facility.

Please immediately respond to these requests

Your cooperation will be appreciated.

Law Office of Harvey S. Mars LLC
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 New York, New York 10036
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Subscribe to my Legal Blog at:

<http://harveymars.typepad.com/blog/>

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Monday, August 23, 2010 AOL: Jmrmars566



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HARVEY S. MARS

COUNSEL:

ERIC J. LARUFFA
RICHARD P. HEDEMAN*
* Admitted in NJ only
TOM OLCOTT**
** Admitted in NY and NJ

September 2, 2010

Marc S. Bresky, Esq.
Law Offices of Marc S. Bresky
91 - 31 Queens Blvd, Suite 520
Elmhurst, N.Y. 11373

Re: Preschool of America Negotiations
D.C. 1707 AFSCME

Dear Mr. Bresky:

This office is counsel to D.C. 1707, AFSCME (Union).

In accordance with Preschool of America's (PSA) obligations pursuant to § 8 (a) of the National Labor Relations Act, please provide me with the following information:

1. Names and addresses of each of PSA's centers.
2. Names and addresses of all employees at each of PSA's centers.
3. A copy of the employee handbook applicable at each of PSA's centers.
4. Names and addresses of all Teaching Assistants employed at the PSA West End Center.
5. Date of hire and salaries of all Teaching Assistants employed at the PSA West End Center.
6. Copies of PSA's tax returns for the last five (5) years.
7. Names of the children and their parents who are currently enrolled at the West End PSA center.
8. Copies of time and attendance policy for PSA.



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Marc S. Bresky, Esq.
September 2, 2010
Page 2

9. Copies of all disciplinary and warning notices for employees who had been employed at PSA's West End Center.
10. Copies of all disciplinary and warning notices for all of PSA's employees.
11. Names of all PSA's employees who were terminated or disciplined within the last year.
12. Copies of all documents supporting the termination or discipline of the employees mentioned in response to information request 11.
13. Names of all corporate officers and directors of PSA.
14. Corporate documents and bylaws for PSA.
15. Documents reflecting the compensation received by PSA's director.
16. Documentation concerning any benefits provided to PSA employees.
17. Documentation concerning sick time, vacation time and PSA's time off policy.
18. Application materials provided to prospective parents.
19. Employment application given to prospective employees.
20. Copies of any training materials provided to PSA employees.

Please submit your response to me no later than September 27, 2010. Also, please provide me with potential negotiation dates.

Very truly yours,

Harvey S. Mars /HSM

Harvey S. Mars

HSM:ss

cc: Mike Green, Organizing Director
D.C.1707, AFSCME

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JOSEPH C CACCIATO
Attorney-at-Law
265 Canal Street, Suite 265
New York, New York 10013
(212) 966-3239

September 28th, 2010

Harvey Mars, LLC
322 West 48th Street, Suite 6R
New York, New York 10036-1308

Re: Pre-School of America

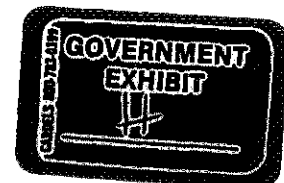
Dear Sir,

My client has received your request for discovery pursuant to section 8(a) of the National Labor Relations Act. In good faith my client provides the accompanying documentation in response to your request.

We hope the accompanying documents aid the process with which we are involved. If you have any questions or concerns, please do not hesitate to contact my office. Thank you.

Truly


Joseph Cacciato



Jan 21 11 03:52p

P.10

JOSEPH C. CACCIATO
Attorney-at-Law
265 Canal Street, Suite 265
New York, New York 10013
(212) 966-3239

October 27th, 2010

Harvey Mars, LLC
322 West 48th Street, Suite 6R
New York, New York 10036-1308

Re: Pre-School of America

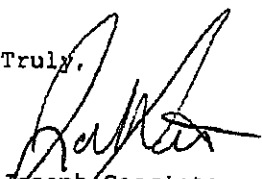
Dear Sir,

I received your message regarding the negotiation of a union contract with your client. I thank you for returning my calls regarding the issue.

I further thank you for the notice that it will take a bit of time to organize the proper protocols and arrangements for the negotiation to take place.

We have reached out in good faith the past month in an effort to make this happen. Please inform us in writing when your client is ready to proceed.

Truly,


Joseph Cacciato



Jan 21 11 03:53p

P.12

JOSEPH C. CACCIATO
Attorney-at-Law
265 Canal Street, Suite 265
New York, New York 10013
(212) 966-3239

November 8th, 2010

Harvey Mars, LLC
322 West 48th Street, Suite 6R
New York, New York 10036-1308

Re: Pre-School of America

Dear Sir,

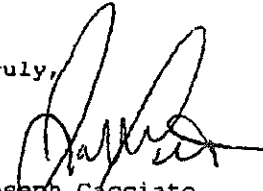
I received a message that you called. Since one of the charges lodges against my client concerns a failure to negotiate in good faith, we insist that all material communications be in writing.

We consider the commencement of the first negotiation to be material and thus require a written communication if anything is to be done.

Obviously, If I am in the office I will take your call, but I am out of the office most times. If you wish to speak with me over the phone, send me a letter containing a specific time for your call and I will be available.

Otherwise, please inform us in writing when your client is ready to proceed.

Truly,


Joseph Cacciato



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FAX: (212) 765-2775
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HARVEY S. MARS

COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*
* Admitted in NJ only
TOM OLCOTT**
** Admitted in NY and NJ

December 22, 2010

Joseph C. Cacciato, Esq.
265 Canal Street, Suite 265
New York, N.Y. 10013

Re: Pre-School of America Negotiations
with D.C. 1707, AFSCME

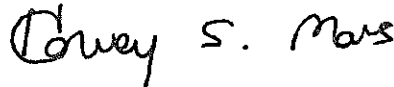
Dear Mr. Cacciato:

This office is counsel to D.C. 1707, AFSCME (Union) for the above-referenced negotiations.

We propose that our negotiations for a collective bargaining agreement for the certified bargaining unit commence on either January 27 or January 28, 2011.

Please advise if these dates are available to you and your client.

Very truly yours,



Harvey S. Mars

HSM:ss

cc: Mike Green, Director of Organizing, D.C. 1707, AFSCME
Henry Moore, D.C. 1707, AFSCME



Jan 21 11 03:53p

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JOSEPH C. CACCIATO
Attorney-at-Law
265 Canal Street, Suite 309
New York, New York 10013
(212) 966-3239

January 11th, 2011

Harvey Mars, LLC
322 West 48th Street, Suite 6R
New York, New York 10036-1308

Re: Pre-School of America

Dear Sir,

I received your phone call requesting a meeting for the end of January. I did return your call and I have left messages with my clients, who are both presently out of the Country.

At this point, I must request that the meeting be tentatively scheduled in the middle of February. I am confident that my clients will be available at some point around that time.

Thank you for your courtesy and cooperation in this matter.

Truly,


Joseph Cacciato



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LAW OFFICE OF HARVEY S. MARS LLC

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New York, New York 10036-1308

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COUNSEL

ERIC J. LARUFFA
RICHARD P. HEDEMAN*

* Admitted to NJ only

TOM OLCOTT**
** Admitted in NY and NJ

HARVEY S. MARS

January 18, 2011

Joseph C. Cacciato, Esq.
265 Canal Street, Suite 309
New York, N.Y. 10013

Re: Pre-School of America Negotiations
with D.C. 1707, AFSCME

Dear Mr. Cacciato:

This office is counsel to D.C. 1707, AFSCME (Union) for the above-referenced negotiations.

We propose that our negotiations for a collective bargaining agreement for the certified bargaining unit commence on either February 16, 2011 or February 23, 2011.

Please advise if these dates are available to you and your client.

Very truly yours,

Harvey S. Mars

Harvey S. Mars

HSM:ss

cc: Mike Green, Director of Organizing, D.C. 1707, AFSCME
Henry Moore, D.C. 1707, AFSCME

